

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JOHN B. ADRAIN,

Plaintiff,

vs.

AMERICAN HONDA MOTOR CO., INC.,
and HONDA OF AMERICA MFG., INC.

Defendants.

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Case No. 2:14-cv-936

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff John B. Adrain (õAdrainö) brings this action against defendants American Honda Motor Co., Inc. and Honda of America Mfg., Inc. (collectively õHondaö or õDefendantsö) and alleges:

THE PARTIES

1. Adrain is the inventor of and owns the entire right, title, and interest in the patent at issue in this case.

2. On information and belief, American Honda Motor Co., Inc. is a corporation organized and existing under the laws of California, with its principal place of business located at 1919 Torrance Boulevard, Torrance, California 90501-2722. It can be served with process in Texas through its registered agent, CT Corp System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

3. On information and belief, Honda of America Mfg., Inc. is a corporation organized and existing under the laws of Ohio, with its principal place of business located at 24000 Honda

Parkway, Marysville, Ohio 43040. It can be served with process through its registered agent, Statutory Agent Corp., 52 E Gay St., Columbus Ohio 43215-3108. On information and belief, American Honda Motor Co., Inc. is a parent company of Honda of America Mfg., Inc.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

5. Subject-matter jurisdiction over Adrain's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Honda has operated, conducted, engaged in, and/or carried on business in the state of Texas and in this judicial district. For example, Honda manufactures vehicles that are regularly sold, directly or indirectly, in this judicial district.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and (d), and/or 1400(b).

PATENT INFRINGEMENT

8. On November 3, 1998, U.S. Patent No. 5,831,669, entitled "Facility Monitoring System with Image Memory and Correlation" was duly and legally issued to the inventor, John B. Adrain. A Reexamination Certificate for U.S. Patent No. 5,831,669 issued on August 21, 2012. A second Reexamination Certificate for U.S. Patent No. 5,831,669 issued on June 16, 2014. A true and correct copy of U.S. Patent 5,831,669 with the Reexamination Certificates is attached hereto as Exhibit A. (U.S. Patent 5,831,669 and the Reexamination Certificates are collectively referred to as "the '669 patent.") Adrain owns all right, title and interest in the '669 patent, including the right to sue for and recover all past, present and future damages for infringement of the '669 patent.

9. The '669 patent is presumed valid.

10. Honda manufactures and sells vehicles that are equipped with monitoring systems that generally include components such as, for example, a movably mounted digital camera that outputs digital image data, computer equipment that processes and stores various image data, and an output interface (such as on the vehicle dashboard) for reporting results of comparisons of image data (hereinafter "Accused Products").

11. Upon information and belief, Honda, either alone or in conjunction with others, has in the past and continues to infringe and/or induce infringement of the '669 patent by making, using, selling, offering to sell, and/or importing, and/or causing others to make, use, sell, or offer to sell, and/or import, in this judicial district and/or elsewhere in the United States, Accused Products that alone or in use are covered by one or more of the claims of the '669 patent.

12. Consumers purchase and use Honda's Accused Products and are instructed by Honda to use such Accused Products to perform methods that infringe one or more claims of the '669 patent.

13. Honda provides instructions, such as owner's manuals, that instruct consumers on how to set up and use Honda's Accused Products in such infringing manner, specifically intending such consumers will operate these Accused Products devices in such a manner, and knowing of such actions, which constitutes infringement of one or more claims of the '669 patent.

14. Honda indirectly infringes one or more claims of the '669 patent in violation of 35 U.S.C. 271(b) by inducing consumers of Honda's Accused Products to directly infringe one or more claims of the '669 patent through their use of such Accused Products in accordance with Honda's instructions.

15. For example, Honda induces direct infringement of the '669 patent by providing user manuals and instructions for the Accused Products that show users how to set up and operate the

Accused Products such that, by following Honda's instructions, the end users of the Accused Products directly infringe one more claims of the '669 patent. Honda engages in such inducement knowingly and, at least from the time of receipt of the present Complaint, has done so with knowledge that such activity encourages consumers of its Accused Products to directly infringe the '669 patent.

16. Honda is liable for infringement of the '669 patent pursuant to 35 U.S.C. § 271.

17. Honda's acts of infringement have caused damage to Adrain, and Adrain is entitled to recover from Honda the damages sustained by Adrain as a result of Honda's wrongful acts in an amount subject to proof at trial.

18. As a consequence of the infringement complained of herein, Adrain has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Honda is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Adrain prays for entry of judgment that:

- A. Honda has directly infringed and/or induced infringement of the '669 patent;
- B. Honda accounts for and pays to Adrain all damages caused by its infringement of the '669 patent;
- C. Adrain be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Honda and its officers, agents, servants, employees and those persons in active concert or participation with it from further acts of patent infringement;
- D. Adrain be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Honda's patent infringement;

- E. Adrain be granted his reasonable attorneys' fees;
- F. Costs be awarded to Adrain; and,
- G. Adrain be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Adrain demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: October 8, 2014

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